

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL DAVID MORALES-VALLELLANES

Plaintiff,

Vs.

UNITED STATES POSTAL SERVICE, et
al.

Defendants

CIVIL NO. 97-2459 (GAG/CVR)

DEFENDANT'S MOTION FOR PROPOSED VOIR DIRE

TO THE HONORABLE COURT:

COMES NOW the defendant, and through his undersigned attorneys, respectfully submits the following proposed Voir Dire as follows:

DEFENDANT'S REQUESTED VOIR DIRE NO. 1:

The attorney representing the plaintiff in this case is Miguel E. Miranda. The attorney representing the defendant is Fidel A. Sevillano Del Río. The Judge presiding over this case is the Honorable Magistrate Judge Camille Vélez-Rivé.

Do you know any of these attorneys or the Judge?

If so, please provide an explanation. Would that relationship affect your ability to render an impartial decision in this case?

DEFENDANTS' REQUESTED VOIR DIRE NO. 2:

Are you acquainted with or do you know the plaintiff Angel D. Morales-Vallellanes or any member of his family?

If so, please provide an explanation. Would that relationship affect your ability to render an impartial decision in this case?

DEFENDANT'S REQUESTED VOIR DIRE NO. 3:

The defendant's anticipated witnesses will be: Enrique López, Antonio López, José Padró, Carmen Rosa Perales, Mayra Irene García, Dr. Mohinder Bhatia, economist and Dr. Ramón Fortuño, Psychiatrist.

Are you acquainted with any of these people or any member of their families? If so, would that relationship affect your ability to render an impartial decision in this case?

DEFENDANT'S REQUESTED VOIR DIRE NO. 4:

The plaintiff's anticipated witnesses will be: Frank Trinidad, Pedro Reyes, Radames Sierra, Carmelo Montañez, Jonathan Cruz Class, Raymond Ruíz, Howard Hall, Efigenio Rivera, Samuel Cora, Alberto Ortiz, Vicente Feliciano (Economist), Dr. Guillermo Hoyos, Psychiatrist, John Malavé, Frank Girau, and Cándido López.

Are you acquainted with any of these people or any member of their families? If so, would that relationship affect your ability to render an impartial decision in this case?

NOTE: If your answer to any of the questions would prove embarrassing to you personally if answered in the presence of the panel as a whole, you may raise your hand, state your name and come forward to the bench and reply to the Court and attorneys privately.

DEFENDANT'S REQUESTED VOIR DIRE NO. 5:

This case involves alleged charges of retaliation and hostile work environment by the U.S. Postal Service. Have you ever been

subjected to any such charges?

DEFENDANT'S REQUESTED VOIR DIRE NO. 6:

Have you or any member of your family ever filed or raised claims of discrimination.

If so, please describe the nature of the charges, the manner in which you filed or raised such claim and the result.

DEFENDANT'S REQUESTED VOIR DIRE NO. 7:

Have you ever been otherwise involved, in any way, in a matter involving charges of discrimination, such as a witness?

If so, please describe the matter, you involvement, and the outcome.

DEFENDANT'S REQUESTED VOIR DIRE NO. 8:

Have any of your family members or close friends ever been subjected to charges of discrimination?

If so, please describe who was charged, the relationship to you, the nature of the charges the manner in which such charges were raised, and the result.

DEFENDANT'S REQUESTED VOIR DIRE NO. 9:

Have any of your family members or close friends ever been subjected to charges of discrimination?

If so, please describe who raised the charges; the relationship to you; the nature of the charges; the manner in which such charges were raised or filed, and the result.

DEFENDANT'S REQUESTED VOIR DIRE NO. 10:

This case also involves allegations of discrimination. Have you ever experienced any form of discrimination?

If so, please describe the nature of the discrimination; the person(s) who discriminated against you; the place or places where such discrimination occurred against you (e.g. work).

DEFENDANT'S REQUESTED VOIR DIRE NO. 11:

Have any of your family members or close friends ever experienced discrimination?

If so, please describe who suffered the discrimination and their relationship to you; the nature of the discrimination; where the discrimination occurred (e.g. work); what, if anything, was done about the problem; and the result.

DEFENDANT'S REQUESTED VOIR DIRE NO. 12:

Do you think that your feelings or experiences regarding discrimination would influence your ability to render an impartial decision in this case?

DEFENDANT'S REQUESTED VOIR DIRE NO. 13:

Have you ever been forced to resign from a job because you believed your employer made your working conditions intolerable?

If so, please explain what happened and when. Would your feelings about this experience influence your ability to render an impartial decision in this matter?

DEFENDANT'S REQUESTED VOIR DIRE NO. 14:

Have any of your family members or close friends been forced

to resign from a job because their employer made their working conditions intolerable?

If so, please describe the person to whom this happen, their relationship to you, and explain what happened and when.

DEFENDANT'S REQUESTED VOIR DIRE NO. 15:

Have you ever been the subject of an investigation by an agency of the federal, state, or local government?

If so, please describe.

DEFENDANT'S REQUESTED VOIR DIRE NO. 16:

Have you or any member of your family or relatives ever had any disagreement or dispute with any department or arm of the U.S. Government or Federal Government in which you believed that you, or they, were dealt with unfairly? If so, please describe.

If yes, do you think you could reach an impartial decision regarding a matter involving the Federal Government?

DEFENDANT'S REQUESTED VOIR DIRE NO. 17:

Have you ever worked for the Federal Government?

If so, please describe the position or positions you have held.

If you previously worked for the Federal Government, but are no longer working for the Federal Government, please describe the circumstances under which you left.

DEFENDANT'S REQUESTED VOIR DIRE NO. 18:

Have you or any member of your family or close friends ever

been fired, asked to resign, demoted, or disciplined by an employer or had any other bad experience with an employer, manager, or supervisor?

a) If so, what were the circumstances?

DEFENDANT'S REQUESTED VOIR DIRE NO. 19:

Have you or any member of your family or close friends ever been told, verbally or in writing, by an employer, manager, or supervisor, that your work performance or conduct was unsatisfactory or improper?

a) If so, what were the circumstances?

b) How did you react to the notice?

DEFENDANT'S REQUESTED VOIR DIRE NO. 20:

Have you or any member of your family or close friends ever been investigated by an employer for allegedly improper or inappropriate conduct on the job?

a) If so, explain the circumstances.

DEFENDANT'S REQUESTED VOIR DIRE NO. 21:

Have you or any member of your family or close friends ever been in a position to supervise or evaluate other employees?

a) If so, what is/was the position?

b) When and for how long were you/he/she in that position?

c) How many employees do/did you/he/she supervise?

DEFENDANT'S REQUESTED VOIR DIRE NO. 22:

Have you or any member of your family or close friends ever been in a position which you employed other individuals or were responsible for hiring, firing, or promoting employees?

a) If so, what is/was he position?

b) When and how long were you/he/she in that position?

c) How many employees do/did you/he/she employ or have responsibility for?

DEFENDANT'S REQUESTED VOIR DIRE NO. 23:

Have you ever been involved in a dispute with a co-worker, supervisor, or manager which involved shouting?

a) If so, please explain the circumstances.

b) What action, if any, was taken as a result of the dispute?

DEFENDANT'S REQUESTED VOIR DIRE NO. 24:

Have you or any member of your family or close friends ever been disciplined on a job, threatened with disciplinary action, or given a poor rating due to unsatisfactory job performance or improper conduct?

a) If so, what were the circumstances?

b) Did you feel that the employer's action was justified?

c) What was the outcome?

DEFENDANT'S REQUESTED VOIR DIRE NO. 25:

Have you ever been sued?

If so, please explain what the circumstances were, who the

defendant(s) and plaintiff(s) were, when the suit was filed and the result.

DEFENDANT'S REQUESTED VOIR DIRE NO. 26:

Have you ever filed a lawsuit?

If so, please explain what the circumstances were, who the defendant(s) and plaintiff(s) were, when the suit was filed and the result.

DEFENDANT'S REQUESTED VOIR DIRE NO. 27:

Do you have any problem with your hearing, sight or any physical infirmity, which would impair your full attention to this trial?

DEFENDANT'S REQUESTED VOIR DIRE NO. 28:

Is there any reason why you could not render an impartial decision in this case or why you do not want to sit as a juror in this case?

DEFENDANT'S REQUESTED VOIR DIRE NO. 29:

The rules of the Court require the plaintiff(s) and the defendant(s) to submit all of their written and oral evidence to the Court and the jury in the English language.

Do you have any difficulties understanding the English language? If so, please provide an explanation.

Would your feelings about this requirement influence your ability to render an impartial decision in this matter?

DEFENDANT'S REQUESTED VOIR DIRE NO. 30:

If you are selected as a juror and are required to attend this trial from December 10, 2007 until finished, would you be resentful?

If so, explain your feelings and would it affect your ability to reach a fair decision in this case.

DEFENDANT'S REQUESTED VOIR DIRE NO. 31:

Have you ever belonged to any group or organization that advocates for civil rights, or have you participated in any activity in favor of civil rights?

If so, explain when, where and under what circumstances did you belong or participated.

DEFENDANT'S REQUESTED VOIR DIRE NO. 32:

Have you or a close relative or friend worked in any capacity in any labor union and/or at the Puerto Rico Institute for Civil Rights and/or participated in any civil rights march protest or the like?

If so, explain when, where and in what capacity.

DEFENDANT'S REQUESTED VOIR DIRE NO. 33:

Have you ever been a member of any union organization?

a) If so, did you ever hold a position of responsibility, leadership, or stewardship within any union or organization? If so, what position?

b) Have you ever represented employees in any grievance/arbitration proceeding or represented the union in a

contract/collective bargaining process? If so, please explain.

DEFENDANT'S REQUESTED VOIR DIRE NO. 34:

Have you ever filed a grievance or participated in a grievance/arbitration proceeding?

If so, please explain.

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Miguel E. Miranda, Esq.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 29th day of November, 2007.

ROSA EMILIA RODRIGUEZ VELEZ
United States Attorney

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